

FOREIGN AGRICULTURAL SERVICE
AGRICULTURAL TECHNICAL ADVISORY COMMITTEE FOR
TRADE IN PROCESSED FOODS
MEMBERSHIP BALANCE PLAN

1. Committee's Official Designation

Agricultural Technical Advisory Committee for Trade in Processed Foods

2. Authority

The Agricultural Technical Advisory Committee for Trade in Processed Foods (hereinafter the "Committee") is established by the Secretary of Agriculture and the United States Trade Representative as delegated by Executive Order 11846, dated March 27, 1975. It is established pursuant to the Federal Advisory Committee Act (FACA) (5 U.S.C. App.) and section 135(c) (1) of the Trade Act of 1974, as amended.

3. Objectives and Scope of Activities

The Committee's objectives and the scope of its activity are as follows: (A) The Committee will advise, consult with, and make recommendations to the Secretary of Agriculture and the United States Trade Representative concerning the trade policy of the United States and the matters arising in the administration of such policy. (B) The Committee will provide information and advice regarding the following: negotiating objectives and bargaining positions of the United States before the United States enters into trade agreements, the operation of any trade agreement once entered into, and matters arising in connection with the administration of the trade policy of the United States.

4. Points of View Needed for the Committee

To ensure that the recommendations of the committees take into account the needs of the diverse groups served by the USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and individual with disabilities. Members must represent a U.S. entity with an interest in agricultural trade and should have expertise and knowledge of agricultural trade as it relates to policy and commodity specific products. In making appointments, every effort will be made to maintain balanced representation on the committees: from producers, farm and commodity organizations, including representation of both small and minority

associations, trade associations, academia, extension services, credit banks, processors, traders, and consumers. Geographical and commodity balance on each committee will also be sought. USDA and USTR will seek representation from across the country from a broad range of processed food groups including pet foods, wine and spirits, potato products, dairy products, coffee, juices, confectioners and organics.

Every effort will be made to ensure that the membership of this Committee is balanced, nevertheless, USDA recognizes that committee membership is not static and may change, depending on the work of the committee.

5. Other Balance Factors

Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women and individuals with disabilities.

6. Candidate Identification Process

The Foreign Agricultural Service issues a Federal Register announcement that it is seeking nominees to serve on its Agricultural Technical Advisory Committee for Trade in Processed Foods. As a result, FAS receives nominations from diverse sources (U.S. agricultural companies, universities, trade organizations and consumer groups, members of Congress, farmers, and current or former advisors). Committee members must have expertise in international agriculture, trade and represent the broad spectrum of U.S. interests in agriculture. The Secretary of Agriculture and the United States Trade Representative jointly decide the selection and appointment of individuals recommended to serve on these committees.

Once candidates have been identified, their names and background data are submitted to the USDA White House Liaison's office for vetting. The vetting process includes a background check to determine if any of the candidates have a conflict of interest that would prohibit them from serving on the committee due to criminal or ethical violations.

7. Subcommittee Balance

The balance plan for a subcommittee, if created, would be the same as for the parent committee.

8. Other

N/A

9. Date Prepared or Updated: 4/1/15

10. Legal Background

Section 5(b)(2) of the FACA requires "...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure "that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;" and (2) "[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." (41 CFR § 102-3.60(b)(3)).

FACA mandates that Federal advisory committees be balanced in the points of view represented by the members, but leaves it to the discretion of each agency on how to do this. The FACA regulations offer guidance in achieving a balanced Federal advisory committee membership, which include considering:

- (i) The Federal advisory committee's mission;
- (ii) The geographic, ethnic, social, economic, or scientific impact of the Federal advisory committee's recommendations;
- (iii) The types of specific perspectives required, such as those of consumers, technical experts, the public at-large, academia, business, or other sectors;
- (iv) The need to obtain divergent points of view on the issues before the Federal advisory committee; and
- (v) The relevance of State, local, or tribal governments to the development of the Federal advisory committee's recommendations." (41 CFR § III of App. A to Subpart B)